1:Campbell E-5 (1954-1955)1964
EH14 Sarakatsani EH14
Zagori
Greece EH1

permission to burn off grass, appeals against the various restrictions on grazing in forest areas, advice about animal disease, and free distribution of sprays to combat insect pests fall within this official's competence. But in these and other questions a shepherd is often referred to the provincial office at Jannina, or in winter at Igoumenitsa, Arta, and Preveza. The Greek police, a paramilitary organization, have a central station under the command of a captain in the capital village of each local district, but sections of police are also stationed in outlying areas of the district, each section serving three or four villages. It frequently happens that Sarakatsani are late in the payment of their grazing dues. Although these are assessed by the village, they are paid to the public treasury in the provincial centre. When the police are informed by the treasury that a payment has not been made, they must attempt to serve a demand notice. If payment is again withheld, the debtor is taken under escort to the public treasury and, if he is still unable to pay, from there to prison. But the circumstance that these demands for payment must be served on one individual in person, and not merely to his home or a member of his family, results in a perpetual pantomime of hide-and-seek between police and heads of shepherd families. This causes irritation and bad feeling on both sides. It is a common experience to find a man secreted under a blanket in the darker corner of a kinsman's hut when it is known that police are in the village.

Sarakatsani are sometimes involved in difficulties with the military authorities over conscription. A family with only one son, a physically handicapped father, and without sufficient resources to hire a shepherd, may submit a case for the postponement or abbreviation of the son's term of military service before a committee of appeal. This committee, however, is not thought to be very liberal in its decisions.

The Sarakatsani face the jurisdiction of the State in their frequent adventures in courts of law.[1] The laws that concern the Sarakatsani in their daily life do not generally favour them. The interests of shepherds tend to be opposed to those of peasants or townsmen. For instance, there are many civil suits between owners of private properties and Sarakatsani who claim

[1] I am not considering here the many cases of animal trespass which are heard in local agricultural courts.

/208 cont./
691 customary law on the one hand, and ex bono et aequo on the other,
692 according to circumstances and the case at hand.
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/209/ However, the arbiters do not have any coercive powers.

Next come the family group, the Tséligato, finally surrounding society.

These groups do not form tribunals if one takes this term in its usual meaning in which the parties concerned present themselves, state their case and demand justice.

692 Nevertheless, these groups have real authority in disputes, their
627 opinion or their attitude with regard to the adversaries already con-
696 stituting a sentence. For their judgment, formulated either according to custom or spontaneously and according to the case at hand, is binding upon the person involved, inasmuch as they have means of constraint sufficient to enforce it.

It is precisely this fact which permits us to characterize these groups as agents of ajudication and to say that their opinion is a sentence.

Moreover, thay are actually empowered to execute the sentence of the arbiters.

627 Finally, in some disputes, the concerned individuals themselves may
696 make decisions and themselves apply the sanction.

The cases in which they intervene are not numerous. Custom designates the beneficiaries of this ajudication and the conditions under which they must exercise it. However, custom gives them a certain latitude in action. Thus:

494 First, the Tséligas may at any time annul his contract with one
695 of his participants and expel him forthwith if he believes the latter
627 has not properly fulfilled his obligations. In return, the participant
692 expelled may then resort to arbitration that will pronounce upon the
686 "sufficient grounds" of this expulsion. This mechanism is much like what

/209 cont./

takes place between the commander of a ship and the members of his crew, according to maritime law. The special and comparable conditions of the life of the Tséligato and navigation on the high seas (21)

21. K. Karabida: 'Agroticha, pp. 39 and 47.

--a life full of diverse and unforeseeable dangers which must be faced as a group, without flinching and with the means at their disposal seem to have dictated this practice.

Second: The components of an extended family (small lineages, /210/ conjugal families, adult sons) may leave the home they share if they are satisfied with the loyality of their head.

Third: Potential participants can avoid joining a Tséligato whose head does not enjoy a good reputation.

In the first and second cases the sanction is almost inevitable since the danger of non-conformity by those responsible affects the entire community, whereas in the second and third cases it is more permissive, in view of the fact that the danger affects only sub-groups and individuals.

However, these remarks would not be complete if we did not mention the interventions of the family head or of the Tséligas to settle disputes among their subjects. These interventions sometimes take the form of arbitration, sometimes of influence through the prestige of these individuals; in both cases they are ultimately upheld by the community.

Nevertheless, in order to avoid the charge that these statements are based on "petito principii" we must now prove them objectively.

If we succeed in demonstrating that the sentences reached by arbitration, as well as the judgments and opinions of groups and individuals are obligatorily imposed on those concerned, and that the latter must conform to them without fail, we shall be demonstrating at the same time that the sentences, opinions and judgments have a legal character, that therefore they are true verdicts.

Moreover, if we prove that the arbiters, the groups and the individuals,

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(124)

/210 cont./

in their ajudication, prescribe obedience to the rules of the law, there will no longer be any doubt about their nature.

We shall approach this problem by examining arbitration.

Attempt at more detailed and precise investigation: In questioning our informants we learned that "the interested parties do not even think of disobeying the arbiters." Is this because, as E. Sidney Hartland (22)

22. Primitive Law/cited in English/, p. 138.--See also the view of Sir Henry Sumner Maine: Ancient Law/cited in English/, pp. 50-52 that "the habit of obedience which makes law obligatory among primitives--and even among those not politically organized." We shall come back to these problems somewhat farther on.

and with him W. Rivers and P. Lowie maintain, /211/ the primitive automatically obeys all the rules society imposes on him? Or rather is it a kind of social constraint conceived in the Durkheimian manner that operates here? Or, finally, does the agreement of the interested parties to submit their dispute to arbiters include at the same time an implicit promise to obey the sentence that will be pronounced? (23)

23. Similar to the compromissum of Roman law.

All these explanations are without doubt insufficient. The automatic obedience "of the primitive" is merely a fiction, convenient but without foundation, the frivolity of which has been criticized by Br. Malinowski (24) (and more recently by E. A. Hoebel) (25)

24. Moeurs et Coutumes des Mélanésiens, p. 17.

25. The law of primitive man /cited in English/, p. 20-21.

so convincingly that P. Lowie was obliged to give it up in a new edition of his work. (26)

26. Traité de Sociologie Primitive, p. 389.

The idea of constraint is very general and consequently too abstract to provide an explanation of this phenomenon. Finally, the "promise to obey" the arbiters would not have any practical value without a force to

/211 cont./

121 make sure it is fulfilled; men are always men and automatic obedience or
696 a promise would mean nothing if carrying it out were entrusted only to
692 the good will of those concerned.
627

On this point our discussions with our informants are very revealing.
696 We were told that if the person recalcitrant to the arbiters' sentence
692 is a member of a Tséligato, no other Tséligato would ever accept his
627 cooperation. If he is a Tséligas, he would immediately be abandoned by
626 all the participants and labelled "destroyer of sheepfolds" (Chalassostanis)
(686) --a name used to stigmatize a disloyal or incapable head.
[474]

The consequences of such a reaction are obvious. The one who is socially isolated, rejected by his own people, can expect only social degradation, economic ruin, exile into surrounding society. This last is his only refuge. But, since, the exiled one is not adapted to the latter he will see his condition worsen from day to day. Actually, this is enough to frighten the most courageous or the most refractory.

However, relying a little more on facts, we see that the recalcitrant one can hope for two things:

/212/ First, since he is a nomad, he can move far away from the place of arbitration and seek a setting where his behavior is not known, and be accepted there.

Second, assuming that someday his new Tséligato is informed of his conduct, there is a good chance that meanwhile he has been able to develop sufficiently close and honorable relationships with the "others" so that his unfortunate past will no longer be taken into consideration. Moreover, the absence of his adversaries permits him to give his own version of events in order to justify himself.

Now it is obvious that between the possibility of the application of envisioned punishment (which is relative) and an obedience to arbiters which is absolute (the person concerned "does not even think of disobeying") there is a discrepancy. It is difficult for us to assume that a "relative" conditioning can determine absolute effects. This shows that, in the

/212 cont./
process of obeying, other factors intervene, and that we must discover them in analyzing this phenomenon in its totality, true to the heritage of M. Mauss. (27)

27. See M. Mauss: Essai sur le don, p. 275-276.--
It is noteworthy that Malinowski, ibid., pp. 39, 41,42, in in his effort to explain the obediance of the Trobrianders to their legal customs, gives an interpretation identical to ours concerning obedience to arbiters, based on his famous "principle of reciprocity." We have explained above that this principle does not cover all of the life of law. And we shall give a more detailed critique of Malinowski's theory in one of the following sections. If we find his positions deficient it is because they are formulated according to his functionalist method which seems to us inadequate, in keeping with C. Lévi-Strauss: Introduction, p. xxxvi, who says: "Where Mauss saw a constant relationship between the phenomena as their explanation, Malinowski asks himself what they are for in order to seek a justification for them."

Every altercation between individuals is translated in actual fact into an opposition between groups. The members of the family of each interested party, bound to him by solidarity and alliance, will follow him all the more readily when disputes submitted to arbiters are of an economic order, hence handled by the head. If portions of families are set against each other in the core of the extended family or the Tséligato these groups run the danger of splitting. The principle of cooperation and solidarity is then challenged. And where, until then, peace reigned, there is threat of disorder and insecurity. Besides, the principle of the isolation of Sarakatsani from surrounding society is also endangered. For if the recalcitrant refuses to obey the arbiters, the only recourse to justice is the State, which means interference of non-Sarakatsani (formerly the occupying forces) in Sarakatsani affairs. Finally, the

629 692 183 182 696 /213/ Finally, the /213/ disobedience of arbiters means a disobedience of the custom which prescribes it. Since each partial custom is organically linked to all the others, the entire traditional cultural edifice begins to crumble.

These few consequences of disobedience to arbiters represent for the Sarakatsani a number of serious dangers. In order to avoid them it seems to us that a whole complex of reactions, influences and pressures arising from all the social forces which are affronted are set in motion for this purpose.

629 692 626 696 Under strong motivation which, in the end, is ascribable to their concern for the protection of all that is original, characteristic and essential to Sarakatsani life, individuals, sub-groups and groups, plunged into anxiety and distress, turn against the potential or actual recalcitrant, and by word, gesture and sign language, explicitly or implicitly leave him scarcely any choice. Before going on to the untimate remedy of isolation, they will bear down on him with all their might to avoid creating explosive and disastrous situations.

The recalcitrant one, in turn, is more or less aware of the pressure put upon him. His conscience has already been aroused; he is intuitive rather than reflective and extremely participative because of his firm integration in his traditional milieu. (28)

28. Margaret Mead: Cooperation and competition/cited in English/, p. 461.

(155) Moreover, his personality, molded by education which has inculcated in him respect for tradition and has developed in him the moral qualities and intellectual habits that his society demands, is definitely sensitive to influences and pressures from his associates. He therefore feels responsible for the disturbance his conduct has caused; he is well aware that everybody is waiting for him to follow the path marked out by tradition; he knows that all eyes are fixed on him; he is steeped in this suffocating atmosphere and gives way under its weight.

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627 692 627 696 Two points or view converge: microsociological and macrosociological influences and pressures, on the one hand; a molding of the personality, on the other. It is this double determinancy, "the internal and external causality" in the apt phrase of R. Bastide, (29) that is at the base of the phenomena of obedience to arbiters, which would otherwise be inexplicable.

29. R. Bastide: La causalité externe and la causalité interne, vol. XXI, C.I.d.S., pp. 77-79.

/214/ It matters little whether this drama is explicit or implicit, conscious or unconscious. The important fact is that it exists and is effective, as is shown by the infinitesimal number of cases of isolation. (30)

30. All these methodological as well as ontological statements are drawn from the present state of research in the social sciences, which has led G. Gurvitch to speak of "total psychological phenomena" (Traité, vol. II, pp. 333-338). Unfortunately this concept is still insufficiently developed; it is drawn from many different works among which we cite the following: M. Dufrenne: La personalité de base.--R. Bastide: Sociologie et Psychoanalyse.--C. Lévi-Strauss: Anthropologie Structurale.--H. Wallon: Les origines du caractère chez l'enfant.--R. Benedict: Echantillons de civilisations.--R. Linton: The Science of man /cited in English/ and Les fondements culturels de la personnelité.--A. Kardiner: The individual and his society /cited in English/.--T. M. Newcomb: Social Psychology/cited in English/.--O. Klineberg: Psychologie sociale.--A. Kroeber: Anthropology today/cited in English/.--G. Gillin: For a science of social man/cited in English/, etc.

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626 627 692 But before we proceed further, certain questions arise: this mechanism of imposing certain rules of behavior, in what way does it